

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Kevin T. Foley et al.)	Michael B. Priddy
)	
Continuation Application of)	Group Art Unit 3732
Serial No. 09/928,949 (filed 08/13/01))	
)	
Filed: January 13, 2004)	Ref. No.: PC444.06/
)	4002-3443
)	
SURGICAL INSTRUMENTATION)	
AND METHOD FOR THE)	
TREATMENT OF THE SPINE)	

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the following Preliminary Amendment for the above-entitled continuation patent application prior to computing the filing fee. Additionally, please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of issue fees.

"Express Mail" Label Number **EV394105615US**.
Date of Deposit **January 13, 2004**. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of person mailing paper or fee

INTRODUCTORY COMMENTS

The Specification has been amended to reflect the updated priority data associated with the subject application. Claims 1-53 have been cancelled without prejudice for possible submission in a continuing application. New claims 54-93 have been added.